

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TOUCHPOINT SOLUTIONS, INC.,
Plaintiff,

v.

EASTMAN KODAK COMPANY,
Defendant

Civil Action No. 04-11014-NMG

**PLAINTIFF TOUCHPOINT SOLUTIONS, INC.'S
APPLICATION FOR A PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65, TouchPoint Solutions, Inc. ("TouchPoint") respectfully moves this Court to issue a temporary and/or preliminary and permanent injunction against Defendant Eastman Kodak Company ("Kodak").

Despite the execution of a Confidentiality Agreement and the understanding between the parties regarding the confidential and proprietary nature of TouchPoint's software and trade secret information, Kodak has disclosed and continues to disclose TouchPoint's confidential and proprietary information to TouchPoint's competitors and to use that information internally. If Kodak is allowed to ignore its legal obligations of confidentiality to TouchPoint and continues to disclose such information to third parties, TouchPoint will suffer irreparable harm in the form of forever compromised confidential and proprietary information and trade secrets. Therefore, TouchPoint seeks immediate injunctive relief.

Filed simultaneously herewith, TouchPoint has requested an expedited period of discovery. As stated in that Motion, TouchPoint requires this discovery to document the relevant facts concerning the scope of Kodak's wrongful conduct in time to obtain meaningful relief. As set forth in TouchPoint's Motion for Expedited Discovery, TouchPoint requests that the Court

stay briefing on the Motion For A Preliminary Injunction until fifteen (15) days after the close of the period of expedited discovery.

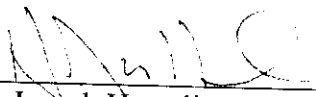
REQUEST FOR HEARING

TouchPoint respectfully requests a hearing on this Motion.

Respectfully submitted,

TOUCHPOINT SOLUTIONS, INC.,

By its attorneys,



H. Joseph Hameline, BBO #218710
Geri L. Haight, BBO #638185
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, P.C.
One Financial Center
Boston, MA 02111
617-542-6000

Dated: August 13, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2004, I caused the foregoing *Plaintiff TouchPoint Solutions, Inc.'s Application for a Preliminary Injunction* to be served by hand on the following:

Nicholas G. Papastavros, Esquire
Nixon Peabody LLP
100 Summer Street
Boston, MA 02110



H. Joseph Hameline